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WASHINGTON, D.C. 20037

In re Application of MIYATAKE et al.

Appl. No.: 09/469,162

Filed: December 21, 1999

For: OPTICAL ELEMENT AND LIQUID-CRYSTAL
DISPLAY

**DECISION ON PETITION
UNDER 37 CFR 1.59**

This is a decision on the petition under 37 CFR 1.59(b), filed May 3, 2004, to expunge information from the above identified application.

The petition is denied.

Petitioner requests that a proprietary information disclosure submitted on December 21, 1999, pursuant to MPEP § 724, be expunged from the record. A notice of Allowance was mailed on February 19, 2004.

Pursuant to MPEP 724.04(a)(F) "If a petition to expunge is not filed prior to the mailing of the notice of allowability, the materials submitted under MPEP § 724.02 will be released to the public upon the issuance of the application as a patent and upon the filing of a request and the appropriate fee (37 CFR 1.14)."

The petition was filed after February 19, 2004, the mail of the Notice of allowability. Consequently, the petition is not granted. The proprietary information submitted December 21, 1999 will remain in the file record.

It is noted that the application asserted as containing proprietary information filed December 21, 1999, has been published as a patent.

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